

crf/nad

## UNITED STATES DISTRICT COURT

**FILED**Western

for the

District of Oklahoma

MAY 13 2019

INNOCENT HARVEY HINES,  
(Enter the full name of the Plaintiff)CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY. pm DEPUTY

v.

Joe ALBAUGH,MIKE CARPENTER,ELIJAH COOPER,(Enter the full name of each Defendant. Attach  
additional sheets as necessary.)Case No. CIV-19-439-PLW  
(Court Clerk will insert case number)**PRO SE PRISONER CIVIL RIGHTS COMPLAINT****I. Jurisdiction is asserted pursuant to:**

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

Declaratory Relief under 28 USC § 2201 and § 2002Injunctive Relief under 28 USC § 2283 and § 2284 and Rule 65Federal Rules of Civil Procedure and 28 USC § 1337**II. State whether you are a:**

Convicted and sentenced state prisoner

Convicted and sentenced federal prisoner

Pretrial detainee

Immigration detainee  
 Civilly committed detainee  
 Other (please explain) \_\_\_\_\_

**III. Previous Federal Civil Actions or Appeals**

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): Thurman Harvey Hines

Defendant(s): Jennifer Morris Blackaby; Heather Hill; and  
Mitzi Estrada et al OSR

b. Court and docket number: CIV-15-905R

c. Approximate date of filing: \_\_\_\_\_

d. Issues raised: Failure To Protect; Retaliation; Denial of Hygiene  
Supplies; Intentional/Negligent Infliction of Emotional  
Distress

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?):

Still pending

f. Approximate date of disposition: May 31 2019

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s). See attached.

**IV. Parties to Current Lawsuit**

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Thurman Harvey Hines  
Address: Oklahoma State Penitentiary, Box 97, McAlester, OK 74502  
Inmate No.: 182745

2. Defendant No. 1

Name and official position: Joe Albaugh - Director of the -  
Oklahoma Department of Corrections

Place of employment and/or residence: "OAC" 3400 N. Lincoln  
Ave, OKC, Oklahoma 73111

How is this person sued?  official capacity,  individual capacity,  both

3. Defendant No. 2

Name and official position: Mike Carpenter - Interim Warden  
at Oklahoma State Penitentiary

Place of employment and/or residence: Oklahoma State Penitentiary  
P.O. Box-97, McAlester, Okla. 74502

How is this person sued?  official capacity,  individual capacity,  both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s). See attached

V. Cause of Action

Claims

List the federal right(s) that you believe have been violated, and describe what happened.

Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim I:**

(1) List the right that you believe was violated:

Plaintiff believes his Eighth USC Amendment Right has been violated for failure To Protect Plaintiff from known perceivable dangers, from threats of violence by the hands of other inmates

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(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Joe Albaugh; Mike Carpenter; FNU#1, Carpenter; Margaret Green; Susan Channan; Genevieve Bartuski; Tommy Williams  
FNU Day; FNU Polk

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(3) List the supporting facts:

Each Defendant was placed on Notice through "Inmate Request" "Request To Staffs" "Prerances" and "Medical Request" that Plaintiff was being Bullied and Suffering Verbal Abuse /Assault, threats of violence by his cell mate and denied request for Single cell per Policy 030102 and that Plaintiff is in Copy #81 Segment, that Plaintiff's cell mate stated that He does not cell with Charles, Brays and some gang members and that Plaintiff is in fear of his life and no medical/Mental Health Services and has left Plaintiff in the cell with him to defend himself.

Rev. 10/20/2015 Plaintiff reallege and incorporates paragraphs (1-25) of the Declaration.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

Plaintiff request to be moved to a single cell per 030102 until we can find someone compatible to cell with me. Times: b. Reimbursement of Legal Cost and fees for copies, pens, paper, filing Civil Action and Attorney's fees if applicable and \$25,000.00 Compensatory and Punitive damages each.

2. Claim II:

(1) List the right that you believe was violated:

Plaintiff believes his Eighth USCAmend Right to Adequate Clothing and Hygiene Supplies has been Violated and Adequate Cleaning Supplies to clean cell and Block Mold, and Adequate laundry services.

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Joe Albaugh: Mike Carpenter: FNU D Cooper: Margaret Green: Susan Channon.

(3) List the supporting facts:

Each above Defendant was placed on Notice When Plaintiff sent them - Several "Inmate Request" - Request To Staff and Grievances complaining about - having No laundry bag to wash clothing & Bedding: No Hygiene Supplies for two weeks at a time on two occasions and did nothing about it. and did not have any cleaning supplies to clean Mold and cell and daily bases. And Suffered Vomiting / Diarrhea for several days in a row. Plaintiff reallege and incorporates paragraphs (1 - 25) in Declaration.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

To grant Plaintiff an injunction to Defendants to provide Plaintiff and all other inmates, hygiene supplies when they run out. To supply Plaintiff with cleaning supplies on daily or weekly basis and a sign out log. To Supply Plaintiff with a laundry bag, laundry services, legal cost.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

#### VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Thurman Hines  
Plaintiff's Signature

May 08, 2019  
Date

Executed at the Oklahoma State Penitentiary P.O. Box-97, McAlester Oklah.  
74502 on this 08 day of May, 2019. Daytime Phone: None; Work: None.  
Thurman Hines  
Plaintiff Pro Se Litigant

#### VII.

#### CERTIFICATE OF MAILING SERVICE

I, Thurman H. Hines, the undersigned, certify, verify that on this 09 day of May, 2019 that I mailed a true and correct copy of the foregoing instrument by placing the same in the ~~and correct~~ legal mailing system at OSP with first class pre-paid postage thereon to:

Court Clerk - Permelita Reeder-Shinn - U.S. 101st Court W.D. Oklahoma  
200 NW 4th St, Rm 1210, OKC, Oklahoma 73102

LS/H Thurman Hines

III. Previous Federal Civil Actions or Appeals continued:

1. Prior Civil Action /Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): Thurman Harvey Hines

Defendant(s): Joe Allbaugh; Mark Knutson; Willa Burney; Terrence Costello; Antwon Berry; Terra Stanley; Glenn Robinson and Terry Underwood

b. Court and docket number: CV-17-642-R-1 US Dist Court W.D. Oklahoma

c. Approximate date of filing:

d. Issues raised: Failure To Protect; Access To Courts; Retaliation; —  
Intentional & Negligent Infliction of Emotional Distress; Conspiracy; —  
Disciplinary Due Process Violations

e. Disposition: Still pending

f. Approximate date of disposition: May 31 2019

IV. Parties to current lawsuit continued:

4. Defendant No. 3.

Name and official position: Full Mu Cooper - Deputy Warden

Place of employment and/or residence: Oklahoma State Penitentiary, P.O. Box-97, McAlester, Oklahoma 74502

How is this person sued?  official capacity,  individual capacity  Both

5. Defendant No. 4

Name and official position: Genevieve Bartuski - Psychologist

Place of employment and/or residence: Oklahoma State Penitentiary Box-97, McAlester, Oklahoma 74502

How is this person sued?  official capacity  individual capacity  Both

6. Defendant No. 5

Name and Official Position: Tommy Williams - Lieutenant

Place of employment and/or residence: OSP Oklahoma State Penitentiary P.O. Box 97, McAlester, Oklahoma 74502

How is this person sued?  official capacity  individual capacity  Both

7. Defendant No. 6

Name and Official Position: END 2. Day - Law Library Supervisor

Place of employment and/or residence: Oklahoma State Penitentiary P.O. Box 97 - McAlester, Oklahoma 74502. (H-C-Unit)

How is this person sued?  official capacity  individual capacity  Both

8. Defendant No. 7

Name and Official Position: END 1 Miss. P. Polk - Law Library Supervisor

Place of employment and/or residence: OKLAHOMA STATE PENITENTIARY P.O. Box 97, McAlester, Oklahoma 74502 (A-D-E-Unit)

How is this person sued?  official capacity  individual capacity  Both

9. Defendant No. 8

Name and Official Position: Margaret Green - Unit Management

Place of employment and/or residence: OSP - OKLAHOMA STATE PENITENTIARY P.O. Box 97, McAlester, Oklahoma 74502

How is this person sued?  official capacity  individual capacity  Both

10. Defendant No. 9

Name and Official Position: Susan Channon - Case Manager

Place of employment and/or residence: OSP - OKLAHOMA STATE PENITENTIARY P.O. Box 97, McAlester, Oklahoma 74502

How is this person sued?  official capacity  individual capacity  Both

## V. Cause Of Action Continued:

### 3. Claim Three:

(1) List the right that you believe was violated:

Plaintiff believes his First USC Amendment Rights to Freedom of Speech -:

To Petition the government for redress of grievance & Access to Courts and  
Harassment/Retaliation for exercising those rights for Complaining  
about his conditions of confinement and filing of two previous  
Civil Actions, grievances and being a ~~lifer~~ ~~inmate~~ indgent prisoner.

(2) List the defendant(s) to this claim:

Joe Albaugh & Mike Carpenter & FNU ~~11~~ Coop & Margaret Green & -  
Susan Phannan & FNU Ms. Days & FNU Ms. Polk & Genevieve Bartuski &  
and Tommy Williams

(3) List the supporting facts:

Each Defendant was placed on Notice of Mr. Hines need of Hygiene Supplies &  
Cleaning Supplies for Mail in cell and toilet and waited for Weeks or month -  
before Plaintiff received any. That Plaintiff needed a laundry bag to send out  
dirty Soiled clothing and bedding, but has done nothing until this day. That  
Plaintiff needed Access to the law Library and denied Mr. Hines for two weeks  
to perfect his Infraction and Civil Rights Complaint Between March 24, /may 3, 2019.  
That Plaintiff was being Bullied suffering Verbal Abuse and Threats of Violence by  
animate ~~psychological behavior~~ ~~Unit C~~ and left Plaintiff in cell with inmates  
to defend for himself. After Plaintiff informed the above Defendants of his  
previous civil actions CIV-15-9042R and CIV-17-042R for the same actions  
taken by other Prison Officials and when Plaintiff filed "Inmate Request"  
Request To Staff's and Grievances complaining about all of the above in more  
detailed and failed to respond and provided Services. Plaintiff reallege  
and incorporate paragraphs (1 - 30) in q.

(4) Relief requested:

For the Court to issue an Injunctive Order to the OSP Defendants to Stop depriving Mr. Hines access to the Law Library Legal Research Center; to Stop depriving Mr. Hines of Hygiene Supplies when he runs out for the month; to Stop depriving Mr. Hines of daily and/or weekly cleaning supplies for cleaning cells; To Stop depriving — and reading Mr. Hines legal copies; To Stop depriving Mr. Hines of an Single cell per O30102 until a compatible inmate is located and \$5000.00 Compensatory and Punitive damages each, for each defendant.

4. Claim W:

(1) List the right that you believe was violated:

Conspiracy To Violate Plaintiffs Eighth US Amendment Rights

(2) List the defendant(s): Joe Albaugh /Mike Carpenter /FNU D. Cooper / Genreve Bartuski /Tommy Williams /FNU Polk

(3) List the supporting facts:

Each Defendant was placed on Notice, through Inmate Request - Request To Staff and Emergency or Sensitive Grievances and Medical Request and Verbally in Lt. Williams office with Sgt. M. Morgan and Cpl. Tucker being present that Plaintiff was being bullied, suffering Verbal Abuse, and threats of Violence and that the inmate claimed what he would do to a [REDACTED] Gay person if they put anyone of them in his cell, and informed them that Plaintiff is [REDACTED] unforsure of his Sexuality - B1 - Sexual - Homo Sexual or Thinking about Transgender. But, they all said they could not help Plaintiff to be placed in a Single cell per O30102 and received a Misconduct Report by Dr. Bartuski, and Lt. Williams for coercion of staff for requesting single cell that Plaintiff — qualifies for and said that the Deputy Warden will not help Plaintiff either. advised them that the inmate has Excluded to FILE Right. Polk Did not file papers Plaintiff prologo and incorporate paragraphs 6. - 30 in Declaration.

(5) Claim V:

(1) List the right that you believe was violated:

Conspiracy to Violate Plaintiff's First USC Amendment Rights

(2) List the defendant(s):

Joe Albaugh / Mike Carpenter / FNU D. Cooper / FNU Day / FNU Dk /  
Margrarete Green / Susan Channon / Genevieve Bertuski / Tommy  
Williams

(3) List the supporting facts:

Each Defendant was made fully aware of Plaintiff's need of Hygiene Supplies, Cleaning Supplies, laundry bag /services, access to LRC and inmates - threats of Violence through Inmate Requests, Request to Staffs, and grievances. After the Defendants were alerted of previous violations and current potential violations for the same violations through the requests. Defendants choose not to respond to any further requests/grievances or even file requests/grievances per request by Albaugh / Carpenter / Cooper / Green / Channon / Dk that all made an agreement to withhold Plaintiff real logic and incorporate paragraphs (1-3d) in Declarations.

(4) Relief requested:

For the Court to enter an Injunction Order to the named Defendants to Stop Harassing and Retaliating against inmates by depriving inmates of Hygiene Supplies when they run out for the month; To Stop depriving inmates of an single cell per 030102 until an inmate is located that is comfortable; To Stop issuing false misconducts to punish inmates and provide adequate laundry services; To follow Policy 110215 / 110415;

(6) Claim VI:

(1) List the right that you believe was violated:

Intentional and Negligent Misrepresentation through the deprivation of Plaintiff's Eighth, First and Fourteenth USC Amendment Rights.

(2) List the defendants:

Albaugh, Carpenter, Cooper, Jozey, Polk, Green, Channan, Bartuski  
and Williams

(3) List the supporting facts:

Defendant was give notice of his conditions of confinement and knew that Plaintiff had made several request for Hygiene Supplies, cleanliness supplies, Adequate laundry services, Risk of Violence by the Hands of inmates and Access to the New Library He to file this 51983 End Injunction — Plaintiff began to suffer mentally, emotionally and physically by having continues Vomiting and diarrhea, chest pains, checking sensations, panic attacks Plaintiff incorporate and reallocate paragraphs (1—30) in Plaintiff's Declarations.

(4) Relief requested:

\$15000<sup>00</sup> dollars in compensatory and Punitive Damages each for each defendant severally, jointly and individually.

(7) Claim VII:

(i) List the right that you believe was violated:

Intentional and Negligent Infliction of Emotional Distress

(2) List the defendants:

Albaugh / Carpenter, Cooper, Green, Channan, Bartuski, Williams  
KMBay / Polk

(3) List the Suggesting parts:

Plaintiff re-allege and incorporate paragraphs (1) in Plaintiff's  
Declarations.

(4) Relief requested

\$15000.00 dollars Compensatory and Punitive Damages each for each defendant's Severally, Jointly and Individually.

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#### IV. Declarations continued:

I declare under penalty of perjury that the foregoing is true and correct:

Executed at OSP, P.O. Box 92, McAlester, Oklahoma 74502

1949 Newman Lines date May 08 2019

VII.

CERTIFICATE OF MAINTENANCE SERVICE

I Thurman H. Hines Certify that on this 09 day of May 2019 that I - mailed a true and correct copy of the foregoing instrument by placing the same in the legal mailing system at OSP, McAlester Oklahoma with first class - prepaid postage thereon to:

Court Clerk - A.S., Dist Court W. D. Oklahoma / BCON with St. Paul 1210, OKC, OK 73102

## 1st Sherman Drive

Plaintiff Pro Se Writings